



FREDERICK COUNTY PLANNING COMMISSION

February 12, 2014

TITLE: Urbana Northern MXD

FILE NUMBER: R-06-01 (B)

REQUEST: Zoning Condition Amendment
Amend condition #3 from rezoning Ord. # 12-31-626 regarding the amount of right-of-way reservation for the I-270 Transitway

PROJECT INFORMATION:

LOCATION: Between I-270 and MD 355 north of Urbana
ZONE: Mixed Use Development (MXD)
REGION: Urbana
WATER/SEWER: S-4/W-4
COMP. PLAN/LAND USE: Office/Research/Industrial

APPLICANT/REPRESENTATIVES: (as applicable)

APPLICANT: Urbana Investment Properties II, LLC
OWNER:
ENGINEER:
ARCHITECT:
ATTORNEY:

STAFF: Jim Gugel

RECOMMENDATION: Approval

Enclosures:
Staff report

Frederick County Community Development Division

January 31, 2014

Zoning Map Amendment

CASE NUMBER: R-06-01 (B)

APPLICANT: Urbana Investment Properties II, LLC

REQUEST: To amend condition #3 from rezoning Ordinance # 12-31-626, (effective Dec. 6, 2012) regarding the amount of right-of-way reservation for the I-270 Transitway.

LOCATION: Between I-270 and MD 355 just north of Urbana



I. Background

The Urbana Northern MXD Phase I Plan was originally rezoned to Mixed Use Development (MXD) in October 2006 as the *Urbana Town Center Employment District* with a Phase I Plan proposing a mix of employment, residential (500 dwellings) and a small amount of commercial. In 2012 the Phase I Plan was amended (Ordinance # 12-31-626) to increase the residential component to 610 dwellings and eliminate the age-restriction on 200 of the dwellings. The employment and commercial components remained unchanged from the original Phase I Plan (2006). The following amendments to various conditions of the 2006 approval were also made:

- Establish annual cap on residential building permits – limited to 150/year exclusive of proposed 128 multifamily flats
- Decouple the link between phasing of residential construction and the development of employment uses in the MXD
- Modified acreage totals for each land use based upon new calculation of floodplain
- Eliminate conditions related to a \$250,000 I-270 Transitway Study contribution, development of an engineering study for a Park Mills Road connection, and modify other conditions as necessary to accommodate the amended proposal.

The Urbana Town Center (Northern) MXD received the following development approvals from the Planning Commission on October 9, 2013:

Combined Preliminary Subdivision/Site Plan – residential component for 610 lots

Preliminary Subdivision Plan – employment component for 19 lots

II. Approval Criteria

§ 1-19-3.110.4 APPROVAL CRITERIA (Zoning Map Amendments)

(A) Approval or disapproval of a request for an individual zoning map amendment or floating zone reclassification shall be determined through review of several criteria. The Planning Commission and Board of County Commissioners review will include, but not be limited to:

- (1) Consistency with the comprehensive plan;
- (2) Availability of public facilities;
- (3) Adequacy of existing and future transportation systems;
- (4) Compatibility with existing and proposed development;
- (5) Population change; and
- (6) The timing of development and facilities.

§ 1-19-10.500.3 APPROVAL CRITERIA (Planned Development Districts)

The Board of County Commissioners may approve or disapprove a request for rezoning of property to a Planned Development District if persuaded that granting the request is appropriate and serves the public interest. The approval or disapproval of a request for the application will be

determined through evaluation of several criteria to establish whether the proposed project meets the purpose and intent of the zoning district. **In addition to the requirements in § 1-19-3.110.4**, the Planning Commission and Board of County Commissioners must find that the project adequately addresses the following criteria:

(A) The proposed development is compact, employing design principles that result in efficient consumption of land, efficient extension of public infrastructure, and efficient provision of public facilities;

(B) The proposed development design and building siting are in accordance with the County Comprehensive Plan, and any applicable community and corridor plans;

(C) The proposed development is compatible with existing or anticipated surrounding land uses with regard to size, building scale, intensity, setbacks, and landscaping, or the proposal provides for mitigation of differences in appearance or scale through such means as setbacks, screening, landscaping; or other design features in accordance with the County Comprehensive Plan, and any applicable community or corridor plans;

(D) The proposed development provides a safe and efficient arrangement of land use, buildings, infrastructure, and transportation circulation systems. Factors to be evaluated include: connections between existing and proposed community development patterns, extension of the street network; pedestrian connections to, from, and between buildings, parking areas, recreation, and open space;

(E) The transportation system is or will be made adequate to serve the proposed development in addition to existing uses in the area. Factors to be evaluated include: roadway capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts, projected construction schedule of planned improvements, pedestrian safety, and travel demand modeling;

(F) The proposed development provides design and building placement that optimizes walking, biking, and use of public transit. Factors to be evaluated include: extension of the street network; existing and proposed community development patterns; and pedestrian connections to, from, and between buildings, parking areas, recreation, and open space;

(G) Existing fire and emergency medical service facilities are or will be made adequate to serve the increased demand from the proposed development in addition to existing uses in the area. Factors to be evaluated include: response time, projected schedule of providing planned improvements, bridges, roads, and nature and type of available response apparatus;

(H) Natural features of the site have been adequately considered and utilized in the design of the proposed development. Factors to be evaluated include: the relationship of existing natural features to man-made features both on-site and in the immediate vicinity, natural features connectivity, energy efficient site design, use of environmental site design or low impact development techniques in accordance with Chapter 1-15.2 of the Frederick County Code;

(I) The proposed mixture of land uses is consistent with the purpose and intent of the underlying County Comprehensive Plan land use designation(s), and any applicable community or corridor plans;

(J) Planned developments shall be served adequately by public facilities and services. Additionally, increased demand for public facilities, services, and utilities created by the proposed development (including without limitation water, sewer, transportation, parks and recreation, schools, fire and emergency services, libraries, and law enforcement) shall be evaluated as adequate or to be made adequate within established county standards.

III. Applicant's Proposal

Land Use Proposal

The mix of land uses approved in 2012 is not proposed to change.

This request proposes a revision to a condition of approval from Case # R-06-01 (A) effective December 6, 2012 per Ordinance # 12-31-626. The request proposes to amend condition #3 as follows:

New language is shown in bold all capitals

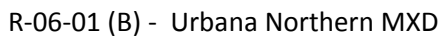
3. The developer shall reserve **UP TO** a 70 ft. wide transit right-of-way for the ultimate use of the I-270 Transitway project – as described in the County Comprehensive Plan – the precise location of which shall be determined during the Phase II process.

Concept Plan

There are no changes proposed in the current Phase I Concept Plan.

Phasing Plan

There are no changes proposed in the phasing plan.



IV. Evaluation - Relationship to County Plans and Regulations

Proposed Land Use, Design, and Density

There are no proposed changes to the land use, design, or density of the current Phase I Plan.

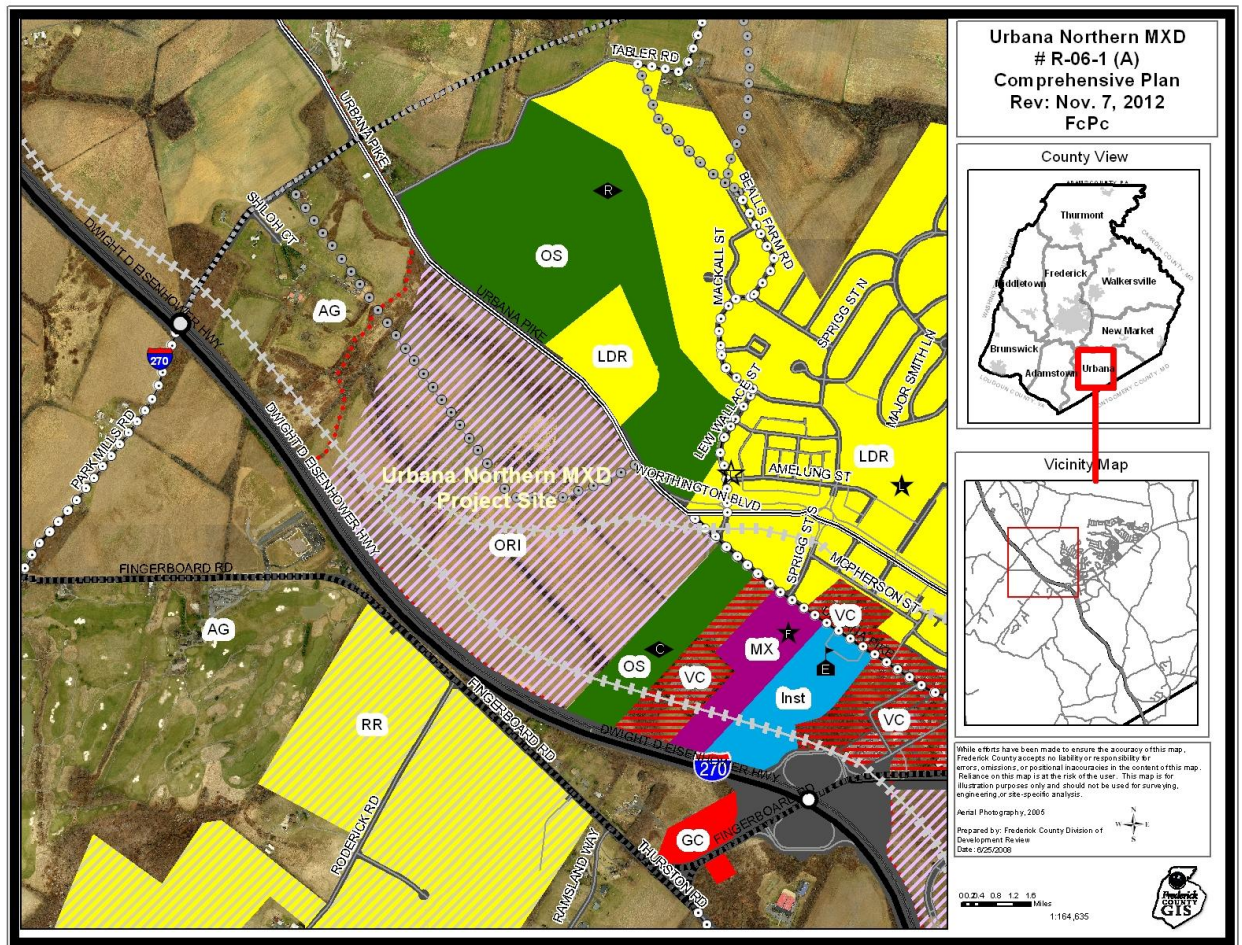
Consistency with Comprehensive Plan

The 2010 County Comprehensive Plan, as amended in 2012, does not specify a minimum right-of-way for the I-270 Transitway. The Comprehensive Plan Map identifies two alternative alignments for the Transitway, one that stays along the east side of I-270 and a second alignment that diverts from I-270 in the vicinity of Dr. Perry Rd. and runs along MD 355 through the Urbana community and then traverses back to I-270 within the Urbana Northern MXD site.

The I-270 Transitway was first identified on the 1993 Urbana Region Plan and has been maintained on all subsequent region and countywide comprehensive plans. The alignments were based on a conceptual engineering study conducted jointly with Montgomery County in 1991. The Frederick portion of the transitway would be an extension of the Corridor Cities Transitway (CCT) that is currently planned to connect the Shady Grove Metro station to Clarksburg. The CCT was a component in the I-270/US 15 Multi-Modal Study conducted by the Maryland State Highway Administration the Maryland Transit Administration. The initial phase of the CCT, from Shady Grove to Metropolitan Grove, is proceeding through further design and engineering. The State has chosen Bus Rapid Transit (BRT) as the mode for the CCT.

The transitway alignment has been planned to accommodate either Light Rail Transit (LRT) or a Bus Rapid Transit (BRT) technology. Either technology would make use of the same alignment and right-of-way. The design guidelines for either LRT or BRT use a typical right-of-way width of 50 – 70 feet depending on whether the right-of-way is part of the road or as a standalone alignment. When the transitway is along a road the narrower 50 feet of right-of-way is typical with the 70 feet applied to a standalone alignment.

Since the transitway through the Urbana Northern MXD site would be along I-270 or internal roads then allowing for a right-of-way reservation less than 70 feet would still be consistent with the design guidelines used for the I-270 Transitway.



V. Evaluation - Availability of Public Facilities and Services

This proposed amendment to condition #3 would not have any further impacts on either existing or planned public facilities or services.

VI. Staff Recommendation

Staff recommends APPROVAL of the request to amend condition #3 of Ordinance # 12-31-626 for the Urbana Northern MXD based upon the following:

1. A review of the Approval Criteria as set forth in § 1-19-3.110.4; and
2. A finding that the amendment to the condition adequately addresses the Planned Development District Approval Criteria as set forth in § 1-19-10.500.3; and
3. The amended condition language would not adversely impact the implementation of the County Comprehensive Plan alignment for the I-270 Transitway.